

HOUSE RESOLUTION 46  
By McMillan

A RESOLUTION to adopt an Ethics Code for the Tennessee  
House of Representatives.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED  
FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that the following Ethics  
Code for the Tennessee House of Representatives is hereby adopted:

**ETHICS CODE  
FOR THE  
HOUSE OF REPRESENTATIVES  
OF THE  
TENNESSEE GENERAL ASSEMBLY**

Article I.

Findings and Purpose

The House of Representatives finds that it is essential in the conduct of the public business that members hold the respect and confidence of the people. Members must avoid conduct that even appears to violate the trust that the people have placed in them. To ensure and preserve public confidence, members should have the benefit of specific standards to guide their conduct. Article II, Section 11, of the Constitution of Tennessee grants to the House of Representatives the power to judge the qualifications of its members. It is the purpose of this code to establish standards of conduct for the members and to authorize the House Ethics Committee to consider alleged violations of this code and to render advisory opinions to the members. Members should also consider that this code is in addition to and separate from conduct that may be required under state or federal law.

## Article II.

### Conflicts of Interest

SECTION 1. A member who fails to comply with Section 3 of this Article, has a personal interest in conflict with the proper discharge of the member's duties if the member has reason to believe or expect that the member will derive a direct monetary gain or any other advantage or suffer a direct monetary loss by reason of the member's official activity.

SECTION 2. The integrity and reputation of the House will be maintained and enhanced and the public interest protected if members avoid the following types of conduct:

- (a) Actions which destroy a member's independence of judgment as a legislator;
- (b) Actions which involve undue influence upon any state department, agency, court, or governmental subdivision; and
- (c) Actions which constitute an abuse of the member's official position or a violation of the member's trust.

SECTION 3. While recognizing that members of the House serve as members of a citizen legislature which reflects a variety of professions and occupations and while also recognizing that some degree of personal interest in certain legislation is inevitable, a member shall not vote on or influence legislation if the member has a personal interest which is in conflict with the proper discharge of the member's duties, unless the member discloses such information with the registry of election finance in accordance with the requirements of Tennessee Code Annotated, Title 8, Chapter 50, Part 5.

SECTION 4. A member against whom a presentment or indictment for a felony offense has been returned by a state or federal grand jury shall step down from any office as the chairman, vice-chairman, secretary, or any other officer of a legislative committee or any leadership position elected either by the membership or by a party caucus. Upon the favorable resolution of the charge or charges against a member, the member shall resume the duties of the office from which the member stepped down.

## Article III.

### Campaign Financial Disclosure

To encourage full compliance with the spirit as well as the letter of the law so that the public may make an informed decision at the ballot boxes, each member of the House should comply fully with the provisions of Tennessee Code Annotated, Title 2, Chapter 10, concerning campaign financial disclosure.

#### Article IV.

#### House Ethics Committee

##### SECTION 1.

(a) The House Ethics Committee shall be composed of six (6) members of the majority party and six (6) members of the minority party, appointed by the Speaker, and shall have authority to render, upon written request of any member, advisory opinions as to whether the facts and circumstances of a particular case constitute or will constitute a violation or probable violation of the Ethics Code for the House of Representatives or of any statute governing the conduct of a member. The identity of any person involved shall be kept in confidence. The Speaker shall appoint the chairman of the committee.

(b) The committee shall have the authority to receive and consider complaints concerning alleged violations of the Ethics Code or statutes governing ethics or conduct, to investigate such complaints, and to hold hearings. The committee may also initiate investigations.

(c) The committee shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of any items of evidence relative to any matter under investigation. Before the committee exercises any of the authority granted in this section with respect to any investigation or hearings, it shall, by majority vote of the whole membership of the committee, define the nature and scope of its inquiry.

SECTION 2. Complaints must be in writing, signed by the member making the complaint, stating all available facts, under oath or affirmation, which oath or affirmation must be taken personally before the chairman or any member of the House Ethics Committee. The committee staff shall initially investigate complaints. If, after the initial investigation, a majority of the committee determines that there is probable cause to believe that a violation of the Ethics Code or of a statute governing the conduct of a member might have occurred, a copy of the

complaint and a further statement of the alleged violation shall be served upon the alleged violator. The member shall have twenty (20) days after service thereof to respond in writing to the complaint and statement.

SECTION 3. If a majority of the members of the committee conclude that there is reason to believe that a violation of the Ethics Code or of a statute governing the conduct of a member has occurred, the committee shall set a time and place for a hearing, giving notice to the complainant and to the alleged violator. The committee shall provide an opportunity for the complainant and the alleged violator to be heard at the hearing. The alleged violator shall have the right to be represented by counsel and to provide evidence on his behalf. The complainant and the alleged violator may request the committee to subpoena witnesses and require the production of items of evidence relative to the proceedings. If a request to issue a subpoena is granted by a majority of the members of the committee, such subpoena shall be issued in accordance with the provisions of this Ethics Code.

All witnesses shall testify under oath and the hearings shall be open to the public. The committee shall not be bound by the strict rules of evidence, but the committee's findings shall be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded by Library and Archives and a copy of such recording shall be maintained by Library and Archives. If recorded testimony is transcribed, copies of the transcripts of such record shall be available in the office of the committee chair for examination by interested citizens during normal office hours.

SECTION 4. The committee shall dismiss the complaint if it finds that no violation has occurred. If the committee determines that a violation has been committed, the committee shall make its findings and recommend to the House of Representatives appropriate disciplinary action as allowed under the Constitution and the law, against the member found guilty of committing the violation. If the committee finds that the circumstances warrant, the committee may turn its evidence and findings over to the appropriate District Attorney General for such action as the District Attorney General may determine is warranted.

SECTION 5. A decision of the committee pertaining to the conduct of any member shall be in writing and signed by a majority of members of the committee. No member of the committee shall participate in any matter in which such member is involved.

SECTION 6. If an apparent conflict of interest situation has arisen because the member failed to fully comply with the disclosure requirements as outlined in Section 3 of Article II and the affected member feels that the member's independence of judgment was not impaired, the member may file with the committee a signed statement describing the circumstances of the apparent conflict and the legislation to which it relates and stating that, in the member's judgment, the member was able to vote and otherwise participate in the legislative process fairly and objectively. The act of signing and filing such a statement is an acknowledgment by the member that the information given is true and correct to the best of the member's knowledge and belief.

SECTION 7. The House Ethics Committee shall be clothed with all the powers granted to investigating committees generally by Tennessee Code Annotated, Title 3, Chapter 3, and any person who, having been served with a subpoena to appear before the committee, willfully fails to appear, or who, having appeared, willfully refuses to answer questions of the committee or to produce any papers, documents, records, or other items of evidence called for by the committee, is guilty of contempt and is punishable as provided by Tennessee Code Annotated, Title 3, Chapter 3. Any person who, upon oath or affirmation, willfully swears or affirms falsely in any material matter, in respect to any matter under inquiry by the committee, to a complaint or in giving testimony, or who produces false evidence, is guilty of perjury and is punishable as provided in Tennessee Code Annotated, Title 3, Chapter 3. Any person who willfully evades the service of a subpoena by the committee is punishable as provided in Tennessee Code Annotated, Title 3, Chapter 3.